

Appl. No. 10/689,342
Atty. Docket No. CM2536CQ
Amdt. dated October 11, 2005
Reply to Office Action of July 11, 2005
Customer No. 27752

REMARKS

Claims 1 - 18 are pending in the present application. Claims 15-18 have been withdrawn from consideration. Claim 3 is canceled and claim 1 is amended to include the limitations of claim 3. Claims 4 and 7 have been amended depend from claim 1. No new matter has been added as a result of the amendments and no additional claims fee is believed to be due.

Claim Rejections – 35 USC 102

Rejection Under 35 USC 102(b)

The Office Action rejects claims 1 - 9 and 12 under 35 U.S.C. 102(b) as being as being anticipated by JP 56-140153. Applicants respectfully submit that the Office has failed to make a *prima facie* case for the anticipation rejections presented below. In order to anticipate a claim, the reference must teach every element of the claim. MPEP §2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131 citing *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

According to the Office, JP 56-140153 discloses a corrugated fiber sheet containing a line pattern of thermo compression bonding and/or welding dots 1. Per this response, claim 1 has been amended to claim the primary bonding pattern of heat- or melt-fusion bonded regions as forming a plurality of first primary bonding pattern lines and second primary bonding pattern lines. The first primary bonding pattern lines and the second primary bonding pattern lines are arranged non-parallel to the corrugation lines and intersect at least two of the corrugation lines for stabilizing the corrugations of the corrugated web. The first primary bonding pattern lines are parallel to each other and the second primary bonding pattern lines are parallel to each other, where as the first primary bonding pattern lines are non-parallel to the second primary bonding pattern lines. JP 56-140153 does not teach or suggest a self-bonded corrugated web including such a bonding pattern of heat- or melt-fusion bonded regions. Therefore, neither claim 1 nor claims 2 or 4-14 depending therefrom are anticipated by JP 56-140153.

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Rejection Under 35 USC 102(e)

The Office rejected Claims 1, 2, 8, 12 and 13 under 35 U.S.C. 102(e) as being anticipated by Mizutani et al (6586076). According to the Office, Mizutani et al discloses a corrugated fiber sheet with what one can consider a line pattern of heat bonded regions 2C that connect corrugations. This region is considered embossed heat bonded since the molds 11,12 or rollers 21, 22 are heated to improve the moldability of the sheet and connecting part 2C when forming the same. Refer to figures 4 and 6 along with column 4, line 17-54., column 5, lines 27-65, column 6, lines 1-51 and column 9, lines 29-40.

As explained above, claim 1 has been amended per this response to include the limitations of claim 3. Therefore, claim 1 and claims 2 and 4-14 depending therefrom are not anticipated by Mizutani.

Claim Rejections – 35 USC §103

The Office rejected claims 10, 11, 13 and 14 under 35 U.S.C. §103(a) as being unpatentable over JP 56-140153 in view of Easley et al (3653382).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. See *In re Fritch*, 972 F.2d 1260 (Fed. Cir. 1992); MPEP § 2143.01. Second, there must be a reasonable expectation of success. In *re Vaeck*, 947 F.2d 488 (Fed. Cir. 1991); MPEP § 2143.02. Third, the prior art reference or combined references must teach or suggest all the claim limitations. In *re Royka*, 490 F.2d 981 (CCPA 1974); MPEP §2143.03. Furthermore, in establishing a prima facie case of obviousness, case law clearly places the “burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103.” In *re Warner*, 379 F.2d 1011, 1016 (CCPA 1967).

As previously explained, JP 56-140153 does teach or suggest the invention claimed in claim 1 or claims 2, 4-14 depending therefrom. In addition, Applicants respectfully disagree with the Office’s interpretation of Easley as well the motivation to combine Easley with JP 56-140153. Easley describes a folded planar airfelt absorbent pad including embossed lines 6 for maintaining the folded integrity of the absorbent. Easley does not disclose a corrugated web much less a self bonded corrugated web having a primary pattern of heat or melt-fusion bonded regions forming a plurality of bonding pattern lines for stabilizing corrugations. Consequently, not only does the

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aforementioned combination with Easley not result in the Applicants' invention, the necessary motivation fails to exist for combining Easley with JP 56-140153. Thus, claim 14 is patentable over JP 56-140153 in view of Easley.

Although the Office has also rejected claims 10-13 as unpatentable over JP 56-140153 in view of Easley, the Office has provided no explanation in support of the rejection. Nevertheless, claims 10-13 are patentable over JP 56-140153 in view of Easley.

The Office has also rejected claims 9-11 under 35 U.S.C. §103 as unpatentable over Mizutani, et al. According to the Office, Mizutani teaches the invention substantially as recited except for the properties of claims 10 and 11 along with the additional second bonding pattern of claim 9. Since Mizutani does not teach or suggest the self bonded corrugated web claimed in amended claim 1, dependent claims 9-11 which depend from claim 1 are patentable over Mizutani, et al.

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejections under 35 U.S.C. 102 and 35 U.S.C 103(a). Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application and allowance of Claims 1, 2 and 4-14.

Respectfully submitted,

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